IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:05cv264

CHRISTI M. WARD,)
Plaintiff,)
Vs.) ORDER
JOANNE BARNHART, Commissioner of Social Security,)))
Defendant.))

THIS MATTER is before the court upon the cross motions for summary judgment. Upon reading the transcript and reviewing the arguments of respective counsel, the court discovered a potential conflict relating to the underlying remanded action, which requires recusal in order to avoid even the appearance of impropriety. The court apologizes to counsel as well as the parties for the delay caused by such recusal.

ORDER

IT IS, THEREFORE, ORDERED that the undersigned RECUSES himself from further consideration of this action, and respectfully instructs the Clerk of this court to assign this matter to another judge.

Signed: September 28, 2006

Dennis L. Howell

United States Magistrate Judge